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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROMAN RODRIGUEZ,

Defendant.

CASE NO. 1:24-CR-00110-JLT-SKO

PLEA AGREEMENT

DATE: TBD
TIME: 9:00AM
COURT: Hon. JENNIFER L. THURSTON

I. INTRODUCTION

A. Scope of Agreement.

The indictment in this case charges the defendant with a violation of 18 U.S.C. § 2252(a)(2) for receipt and distribution of material involving the sexual exploitation of minors (“Count One”) and violations of 18 U.S.C. § 2252(a)(2) for receipt of material involving the sexual exploitation of minors (“Counts Two through Four”). This document contains the complete plea agreement between the United States Attorney’s Office for the Eastern District of California (the “government”) and the defendant regarding this case. This plea agreement is limited to the United States Attorney’s Office for the Eastern District of California and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities.

B. Court Not a Party.

1 The Court is not a party to this plea agreement. Sentencing is a matter solely within the
2 discretion of the Court, and the Court may take into consideration any and all facts and circumstances
3 concerning the criminal activities of defendant, including activities which may not have been charged in
4 the indictment. The Court is under no obligation to accept any recommendations made by the
5 government, and the Court may in its discretion impose any sentence it deems appropriate up to and
6 including the statutory maximum stated in this plea agreement.

7 If the Court should impose any sentence up to the maximum established by the statute, the
8 defendant cannot, for that reason alone, withdraw his guilty plea, and he will remain bound to fulfill all
9 of the obligations under this plea agreement. The defendant understands that neither the prosecutor,
10 defense counsel, nor the Court can make a binding prediction or promise regarding the sentence he will
11 receive.

12 II. DEFENDANT'S OBLIGATIONS

13 A. Guilty Plea.

14 The defendant will plead guilty to Count One - receipt and distribution of material involving the
15 sexual exploitation of minors, in violation of 18 U.S.C. § 2252(a)(2). The defendant agrees that he is in
16 fact guilty of this charge and that the facts set forth in the Factual Basis for Plea attached hereto as
17 Exhibit A are accurate.

18 The defendant agrees that this plea agreement will be filed with the Court and become a part of
19 the record of the case. The defendant understands and agrees that he will not be allowed to withdraw his
20 plea should the Court not follow the government's sentencing recommendations.

21 The defendant agrees that the statements made by him in signing this Agreement, including the
22 factual admissions set forth in the factual basis, shall be admissible and useable against the defendant by
23 the United States in any subsequent criminal or civil proceedings, even if the defendant fails to enter a
24 guilty plea pursuant to this Agreement. The defendant waives any rights under Fed. R. Crim. P. 11(f)
25 and Fed. R. Evid. 410, to the extent that these rules are inconsistent with this paragraph or with this
26 Agreement generally.

27 1. Supervised Release.

28 The defendant acknowledges that the Court could impose up to a lifetime term of supervised

1 release. The defendant agrees that a component of an overall reasonable sentence will be a term of
2 supervised release of at least 180 months, and he agrees he will not seek early termination of supervised
3 release.

4 **B. Restitution.**

5 The defendant agrees the conduct to which he is pleading guilty requires him to pay mandatory
6 restitution to the victims under 18 U.S.C. § 2259 and 18 U.S.C. § 3663A. The defendant agrees to pay
7 restitution to the victims of his crimes in the amount determined by the Court, which will be at least
8 \$3,000 per victim who submits a sufficient claim.

9 Further, the defendant agrees to pay restitution to any of his minor victims, for the entire scope
10 of his criminal conduct, including but not limited to all matters included as relevant conduct. The
11 defendant acknowledges and agrees that this criminal conduct (or relevant conduct) includes any minor
12 victim of any child pornography offenses, charged or uncharged, under Chapter 110, United States
13 Code, and any minor victim of any violation of federal and/or state law committed by the defendant,
14 including any contact sexual offense. Further, pursuant to 18 U.S.C. § 3664(d)(5), the defendant agrees
15 not to oppose bifurcation of the sentencing hearing if the victims' losses are not ascertainable prior to
16 sentencing.

17 Defendant agrees that all criminal monetary penalties imposed by the court, including restitution,
18 will be due in full immediately at time of sentencing and subject to immediate enforcement by the
19 government. Defendant agrees that any payment schedule or plan set by the court is merely a minimum
20 and does not foreclose the United States from collecting all criminal monetary penalties at any time
21 through all available means.

22 Defendant further agrees that he will not seek to discharge any restitution obligation or any part
23 of such obligation in any bankruptcy proceeding.

24 Defendant shall not sell, encumber, transfer, convey, or otherwise dispose of any of his assets
25 without prior written consent of the United States Attorney, except that the defendant may sell, transfer
26 or convey personal property (including used vehicles and personal items, but not financial instruments,
27 ownership interests in business entities or real property) with an aggregate value of less than \$5,000.

28 Payment of restitution shall be by cashier's or certified check made payable to the Clerk of the

1 Court.

2 **C. Fine.**

3 The defendant reserves the right to argue to Probation and at sentencing that he is unable to pay a
4 fine, and that no fine should be imposed. The defendant understands that it is his burden to affirmatively
5 prove that he is unable to pay a fine, and agrees to provide a financial statement under penalty of perjury
6 to the Probation Officer and the government in advance of the issuance of the draft Presentence
7 Investigation Report, along with supporting documentation. The government retains the right to oppose
8 the waiver of a fine. If the Court imposes a fine, the defendant agrees to pay such fine if and as ordered
9 by the Court, up to the statutory maximum fine for the defendant's offense.

10 **D. Special Assessment.**

11 The defendant agrees to pay a special assessment of \$5,100 at the time of sentencing by
12 delivering a check or money order payable to the United States District Court to the United States
13 Probation Office immediately before the sentencing hearing. The defendant agrees that this special
14 assessment includes:

- 15 1. A mandatory special assessment of \$100 under 18 U.S.C. § 3013; and
- 16 2. A mandatory special assessment of \$5,000 under 18 U.S.C. § 3014.

17 The defendant understands that the Court may also order a discretionary special assessment of up
18 to \$35,000 under 18 U.S.C. § 2259A.

19 The defendant understands that this plea agreement is voidable at the option of the government if
20 he fails to pay the assessment prior to that hearing. If the defendant is unable to pay the special
21 assessment at the time of sentencing, he agrees to earn the money to pay the assessment, if necessary by
22 participating in the Inmate Financial Responsibility Program.

23 **E. Violation of Plea Agreement by Defendant/Withdrawal of Plea.**

24 If the defendant violates this plea agreement in any way, withdraws his plea, or tries to withdraw
25 his plea, this plea agreement is voidable at the option of the government. If the government elects to
26 void the agreement based on the defendant's violation, the government will no longer be bound by its
27 representations to the defendant concerning the limits on criminal prosecution and sentencing as set
28 forth herein. A defendant violates the plea agreement by committing any crime or providing or

1 procuring any statement or testimony which is knowingly false, misleading, or materially incomplete in
2 any litigation or sentencing process in this case, or engages in any post-plea conduct constituting
3 obstruction of justice. Varying from stipulated Guidelines application or agreements regarding
4 arguments as to 18 United States Code section 3553, as set forth in this agreement, personally or through
5 counsel, also constitutes a violation of the plea agreement. The government also shall have the right (1)
6 to prosecute the defendant on any of the counts to which he pleaded guilty; (2) to reinstate any counts
7 that may be dismissed pursuant to this plea agreement; and (3) to file any new charges that would
8 otherwise be barred by this plea agreement. The defendant shall thereafter be subject to prosecution for
9 any federal criminal violation of which the government has knowledge. The decision to pursue any or
10 all of these options is solely in the discretion of the United States Attorney's Office.

11 By signing this plea agreement, the defendant agrees to waive any objections, motions, and
12 defenses that the defendant might have to the government's decision. Any prosecutions that are not
13 time-barred by the applicable statute of limitations as of the date of this plea agreement may be
14 commenced in accordance with this paragraph, notwithstanding the expiration of the statute of
15 limitations between the signing of this plea agreement and the commencement of any such prosecutions.
16 The defendant agrees not to raise any objections based on the passage of time with respect to such
17 counts including, but not limited to, any statutes of limitation or any objections based on the Speedy
18 Trial Act or the Speedy Trial Clause of the Sixth Amendment to any counts that were not time-barred as
19 of the date of this plea agreement. The determination of whether the defendant has violated the plea
20 agreement will be under a probable cause standard.

21 In addition, (1) all statements made by the defendant to the government or other designated law
22 enforcement agents, or any testimony given by the defendant before a grand jury or other tribunal,
23 whether before or after this plea agreement, shall be admissible in evidence in any criminal, civil, or
24 administrative proceedings hereafter brought against the defendant; and (2) the defendant shall assert no
25 claim under the United States Constitution, any statute, Rule 11(f) of the Federal Rules of Criminal
26 Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal rule, that statements made by
27 the defendant before or after this plea agreement, or any leads derived therefrom, should be suppressed.
28 By signing this plea agreement, the defendant waives any and all rights in the foregoing respects.

1 **F. Forfeiture.**

2 The defendant agrees to forfeit to the United States voluntarily and immediately all of his right
3 title and interest to any and all assets subject to forfeiture pursuant to 18 U.S.C. § 2253(a). Those assets
4 include, but are not limited to, the following:

- 5 1. Apple iPhone 15;
- 6 2. Samsung Galaxy S24;
- 7 3. SanDisk 128 Gigabyte USB Flash Drive; and
- 8 4. MSI Laptop Model MS-174K and Drive

9 The defendant agrees that the listed assets constitute property that contains visual depictions
10 produced, transported, mailed, shipped, or received in violation of 18 U.S.C. § 2252(a)(2) and is
11 property that was used or intended to be used to commit and to promote the commission of the
12 aforementioned violation.

13 The defendant agrees to fully assist the government in the forfeiture of the listed assets and to
14 take whatever steps are necessary to pass clear title to the United States. The defendant shall not sell,
15 transfer, convey, or otherwise dispose of any of his assets, including but not limited to, the above-listed
16 assets.

17 The defendant agrees not to file a claim to any of the listed property in any civil proceeding,
18 administrative or judicial, which may be initiated. The defendant agrees to waive his right to notice of
19 any forfeiture proceeding involving this property, and agrees to not file a claim or assist others in filing a
20 claim in that forfeiture proceeding.

21 The defendant knowingly and voluntarily waives his right to a jury trial on the forfeiture of
22 assets. The defendant knowingly and voluntarily waives all constitutional, legal and equitable defenses
23 to the forfeiture of these assets in any proceeding. The defendant agrees to waive any jeopardy defense,
24 and agrees to waive any claim or defense under the Eighth Amendment to the United States
25 Constitution, including any claim of excessive fine, to the forfeiture of the assets by the United States,
26 the State of California or its subdivisions.

27 The defendant waives oral pronouncement of forfeiture at the time of sentencing, and any
28 defenses or defects that may pertain to the forfeiture.

1 **G. Asset Disclosure.**

2 The defendant agrees to make a full and complete disclosure of his assets and financial
3 condition, and will complete the United States Attorney's Office's "Authorization to Release
4 Information" and "Financial Disclosure Statement" within three (3) weeks from the entry of the
5 defendant's change of plea, including supporting documentation. The defendant also agrees to have the
6 Court enter an order to that effect. The defendant understands that if he fails to complete truthfully and
7 provide the described documentation to the United States Attorney's Office within the allotted time, he
8 will be considered in violation of the agreement, and the government shall be entitled to the remedies set
9 forth in section II.E above.

10 Defendant expressly authorizes the United States to immediately obtain a credit report to
11 evaluate defendant's ability to satisfy any monetary penalty imposed by the court. Defendant also
12 authorizes the U.S. Attorney's Office to inspect and copy all financial documents and information held
13 by the U.S. Probation Office.

14 **III. THE GOVERNMENT'S OBLIGATIONS**

15 **A. Dismissals/Other Charges.**

16 The government agrees to move, at the time of sentencing, to dismiss without prejudice the
17 remaining counts in the pending indictment. The government also agrees not to reinstate any dismissed
18 count except if this agreement is voided as set forth herein, or as provided in paragraphs II.E (Violation
19 of Plea Agreement by Defendant/Withdrawal of Plea), VI.B (Stipulated Guideline Calculation), and
20 VII.B (Waiver of Appeal and Collateral Attack) herein.

21 **B. Recommendations.**

22 1. Incarceration Range.

23 The government will recommend that the defendant be sentenced to a term of
24 imprisonment within the applicable guideline range, including the application of the mandatory
25 minimum term and up to the statutory maximum of 240 months, as determined by the Court.

26 2. Acceptance of Responsibility.

27 The government will recommend a two-level reduction (if the offense level is less than
28 16) or a three-level reduction (if the offense level reaches 16) in the computation of his offense level if

1 the defendant clearly demonstrates acceptance of responsibility for his conduct as defined in U.S.S.G. §
2 3E1.1. This includes the defendant meeting with and assisting the probation officer in the preparation of
3 the pre-sentence report, being truthful and candid with the probation officer, and not otherwise engaging
4 in conduct that constitutes obstruction of justice within the meaning of U.S.S.G § 3C1.1, either in the
5 preparation of the pre-sentence report or during the sentencing proceeding.

6 **C. Use of Information for Sentencing.**

7 The government is free to provide full and accurate information to the Court and Probation,
8 including answering any inquiries made by the Court and/or Probation and rebutting any inaccurate
9 statements or arguments by the defendant, his attorney, Probation, or the Court. The defendant also
10 understands and agrees that nothing in this Plea Agreement bars the government from defending on
11 appeal or collateral review any sentence that the Court may impose.

12 **IV. ELEMENTS OF THE OFFENSE**

13 At a trial, the government would have to prove beyond a reasonable doubt the following
14 elements of the offense to which the defendant is pleading guilty, receipt and distribution of material
15 involving the sexual exploitation of minors, a violation of 18 U.S.C. § 2252(a)(2):

- 16 1. The defendant knowingly received and distributed a visual depiction;
- 17 2. The production of the visual depiction involved the use of a minor engaging in
18 sexually explicit conduct;
- 19 3. The visual depiction was of a minor engaging in sexually explicit conduct;
- 20 4. The defendant knew that the visual depiction was of a minor engaging in sexually
21 explicit conduct; and
- 22 5. The visual depiction was received and distributed using any means or facility of
23 interstate or foreign commerce, by shipping or transporting in or affecting interstate or
24 foreign commerce, or contained materials that had been mailed, shipped, or
25 transported in interstate commerce, by any means including by computer.

26 The defendant fully understands the nature and elements of the crimes charged in the indictment
27 to which he is pleading guilty, together with the possible defenses thereto, and has discussed them with
28 his attorney.

1 V. MAXIMUM SENTENCE

2 A. Maximum Penalty.

3 The maximum sentence that the Court can impose is 20 years of imprisonment, with a mandatory
4 minimum of 5 years of imprisonment, a fine of \$250,000, or both fine and imprisonment, a lifetime
5 period of supervised release, with a mandatory minimum of 5 years of supervised release, and a special
6 assessment of \$40,100, pursuant to 18 U.S.C. §§ 3013, 3014, and 2259A. By signing this plea
7 agreement, the defendant also agrees that the Court can order the payment of restitution for the full loss
8 caused by the defendant's wrongful conduct. The defendant agrees that the restitution order is not
9 restricted to the amounts alleged in the specific count to which he is pleading guilty. The defendant
10 further agrees, as noted above, that he will not attempt to discharge in any present or future bankruptcy
11 proceeding any restitution imposed by the Court.

12 B. Violations of Supervised Release.

13 The defendant understands that if he violates a condition of supervised release at any time during
14 the term of supervised release, the Court may revoke the term of supervised release and require the
15 defendant to serve up to two additional years imprisonment. In certain circumstances, when a person is
16 required to register as a sex offender and then commits certain other federal sex offenses, the Court may
17 revoke the supervised release and impose a prison sentence of at least five years. The Supreme Court in
18 *United States v. Haymond*, 139 S. Ct. 2369 (2019) has held that such a revocation requires a finding by a
19 jury, however, not by a judge.

20 VI. SENTENCING DETERMINATION

21 A. Statutory Authority.

22 The defendant understands that the Court must consult the Federal Sentencing Guidelines and
23 must take them into account when determining a final sentence. The defendant understands that the
24 Court will determine a non-binding and advisory guideline sentencing range for this case pursuant to the
25 Sentencing Guidelines and must take them into account when determining a final sentence. The
26 defendant further understands that the Court will consider whether there is a basis for departure from the
27 guideline sentencing range (either above or below the guideline sentencing range) because there exists
28 an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into

consideration by the Sentencing Commission in formulating the Guidelines. The defendant further understands that the Court, after consultation and consideration of the Sentencing Guidelines, must impose a sentence that is reasonable in light of the factors set forth in 18 U.S.C. § 3553(a).

B. Stipulated Guideline Calculation.

The government and the defendant agree that there is no material dispute as to the following sentencing guidelines variables and therefore stipulate to the following:

1.	Base Offense Level (2G2.2(a)(2)):	22
2.	Specific Offense Characteristics:	
	Prepubescent Minors (2G2.2(b)(2))	+2
	Knowing Distribution (2G2.2(b)(3)(F))	+2
	Material Portraying Sexual Exploitation of a Toddler (2G2.2(b)(4)(B))	+4
	Use of a Computer (2G2.2(b)(6))	+2
	Over 600 Images (2G2.2(b)(7)(D))	+5
3.	Adjusted Offense Level:	37
4.	Acceptance of Responsibility: See paragraph III.B.2 above.	-3
5.	Criminal History: The parties estimate, but do not stipulate, that the defendant's criminal history category will be I.	

The parties agree that they will not seek or argue in support of any other specific offense characteristics, Chapter Three adjustments (other than the decrease for "Acceptance of Responsibility"), or cross-references, except that the government may move for a departure or an adjustment based on post-plea obstruction of justice (§3C1.1), only if applicable.

The defendant reserves the right to argue for a variance from the guidelines range determined by the Court based on the factors set forth in 18 U.S.C. § 3553, down to no less than 120 months of imprisonment. The defendant acknowledges that if the defendant requests or suggests in any manner a sentence of imprisonment less than 120 months, that will be considered a violation of the plea agreement. The government's remedies and remaining obligations in this agreement shall be as outlined in paragraph II.E, above. The government reserves the right to argue against any downward variance.

The government will recommend that the defendant be sentenced to a term of imprisonment

1 within the applicable guideline range, as determined by the Court, up to the statutory maximum of 240
 2 months. The government reserves the right to argue that the Court should impose a term of supervised
 3 release of at least 180 months.

4 **VII. WAIVERS**

5 **A. Waiver of Constitutional Rights.**

6 The defendant understands that by pleading guilty he is waiving the following constitutional
 7 rights: (a) to plead not guilty and to persist in that plea if already made; (b) to be tried by a jury; (c) to
 8 be assisted at trial by an attorney, who would be appointed if necessary; (d) to pursue any affirmative
 9 defenses, Fourth Amendment or Fifth Amendment claims, constitutional challenges to the statutes of
 10 conviction, and other pretrial motions that have been filed or could be filed; (e) to subpoena witnesses to
 11 testify on his behalf; (f) to confront and cross-examine witnesses against him; and (g) not to be
 12 compelled to incriminate himself.

13 **B. Waiver of Appeal and Collateral Attack.**

14 The defendant understands that the law gives the defendant a right to appeal his guilty plea,
 15 conviction, and sentence. The defendant agrees as part of his plea, however, to give up the right to
 16 appeal the guilty plea, conviction, and the sentence imposed in this case as long as the sentence does not
 17 exceed the statutory maximum for the offense to which he is pleading guilty. The defendant
 18 understands that this waiver includes, but is not limited to, any and all constitutional and/or legal
 19 challenges to the defendant's conviction and guilty plea, including arguments that the statutes to which
 20 defendant is pleading guilty are unconstitutional, and any and all claims that the statement of facts
 21 attached to this agreement is insufficient to support the defendant's plea of guilty. The defendant
 22 specifically gives up the right to appeal any order of restitution the Court may impose.

23 Notwithstanding the defendant's waiver of appeal, the defendant will retain the right to appeal if
 24 one of the following circumstances occurs: (1) the sentence imposed by the District Court exceeds the
 25 statutory maximum; and/or (2) the government appeals the sentence in the case. The defendant
 26 understands that these circumstances occur infrequently and that in almost all cases this Agreement
 27 constitutes a complete waiver of all appellate rights.

28 In addition, regardless of the sentence the defendant receives, the defendant also gives up any

1 right to bring a collateral attack, including a motion under 28 U.S.C. § 2255 or § 2241, challenging any
2 aspect of the guilty plea, conviction, or sentence, except for non-waivable claims.

3 Notwithstanding the government's agreements in paragraph III.A above, if the defendant ever
4 attempts to vacate his plea, dismiss the underlying charges, or modify or set aside his sentence on any of
5 the counts to which he is pleading guilty, the government shall have the rights set forth in Section II.E
6 herein.

7 **C. Waiver of Attorneys' Fees and Costs.**

8 The defendant agrees to waive all rights under the "Hyde Amendment," Section 617, P.L. 105-
9 119 (Nov. 26, 1997), to recover attorneys' fees or other litigation expenses in connection with the
10 investigation and prosecution of all charges in the above-captioned matter and of any related allegations
11 (including without limitation any charges to be dismissed pursuant to this plea agreement and any
12 charges previously dismissed).

13 **D. Impact of Plea on Defendant's Immigration Status.**

14 Defendant recognizes that pleading guilty may have consequences with respect to his
15 immigration status if he is not a citizen of the United States. Under federal law, a broad range of crimes
16 are removable offenses, including the offense to which the defendant is pleading guilty. The defendant
17 and his counsel have discussed the fact that the charge to which the defendant is pleading guilty is an
18 aggravated felony, or a crime that is likely to be determined to be an aggravated felony under 8 USC §
19 1101(a)(43), and that while there may be arguments that defendant can raise in immigration proceedings
20 to avoid or delay removal, it is virtually certain that defendant will be removed. Removal and other
21 immigration consequences are the subject of a separate proceeding, however, and defendant understands
22 that no one, including his attorney or the district court, can predict to a certainty the effect of his
23 conviction on his immigration status. Defendant nevertheless affirms that he wants to plead guilty
24 regardless of any immigration consequences that his plea may entail, even if the consequence is his
25 automatic removal from the United States.

26 **E. Sex Offender Registration.**

27 Defendant understands that by pleading guilty, defendant will be required to register as a sex
28 offender upon his release from prison as a condition of supervised release pursuant to 18 U.S.C. §

3583(d). Defendant also understands that independent of supervised release, he will be subject to federal and state sex offender registration requirements, and that those requirements may apply throughout his life. The defendant understands that he shall keep his registration current, shall notify the state sex offender registration agency or agencies of any changes to defendant's name, place of residence, employment, or student status, or other relevant information. Defendant shall comply with requirements to periodically verify in person his sex offender registration information. Defendant understands that he will be subject to possible federal and state penalties for failure to comply with any such sex offender registration requirements. If he resides in California following release from prison, he will be subject to the registration requirements of California Penal Code § 290. Defendant further understands that, under 18 U.S.C. § 4042(c), notice will be provided to certain law enforcement agencies upon his release from confinement following conviction. As a condition of supervised release, defendant shall initially register with the state sex offender registration in California, and shall also register with the state sex offender registration agency in any state where defendant resides, is employed, works, or is a student, as directed by the Probation Officer. The defendant shall comply with all requirements of federal and state sex offender registration laws, including the requirement to update his registration information. Defendant shall provide proof of registration to the Probation Officer within 72 hours of release from imprisonment.

VIII. ENTIRE PLEA AGREEMENT

Other than this plea agreement, no agreement, understanding, promise, or condition between the government and the defendant exists, nor will such agreement, understanding, promise, or condition exist unless it is committed to writing and signed by the defendant, counsel for the defendant, and counsel for the United States.


IX. APPROVALS AND SIGNATURES

A. Defense Counsel.

I have read this plea agreement and have discussed it fully with my client. The plea agreement accurately and completely sets forth the entirety of the agreement. I concur in my client's decision to

plead guilty as set forth in this plea agreement.

Dated: 11/25/24


MONICA BERMUDEZ
Attorney for Defendant

B. Defendant:

I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. Further, I have consulted with my attorney and fully understand my rights with respect to the provisions of the Sentencing Guidelines that may apply to my case. No other promises or inducements have been made to me, other than those contained in this plea agreement. In addition, no one has threatened or forced me in any way to enter into this plea agreement. Finally, I am satisfied with the representation of my attorney in this case.

Dated: 11/25/24


ROMAN RODRIGUEZ
Defendant

C. Attorney for United States:

I accept and agree to this plea agreement on behalf of the government.

Dated: 12/02/2024

PHILLIP A. TALBERT
United States Attorney


BRITTANY M. GUNTER
Assistant United States Attorney

EXHIBIT "A"

Factual Basis for Plea

If this case went to trial, the United States would establish the following facts beyond a reasonable doubt:

Beginning no later than on or about February 18, 2024, and continuing through on or about February 22, 2024, in Kern County, within the State and Eastern District of California, and elsewhere, the defendant, Roman Rodriguez, did knowingly receive and distribute at least one visual depiction of a minor engaged in sexually explicit conduct and which depiction was of such conduct, as defined in 18 U.S.C. § 2256, and which had been shipped or transported in or affecting interstate or foreign commerce or had been sent or received using any means or facility of interstate or foreign commerce.

More specifically, the defendant received and distributed through the use of an Apple iPhone 15 cellphone, which was manufactured outside of California, and therefore traveled in interstate and foreign commerce, and the internet, at least one image file which contained a visual depiction, the producing of which involved the use of a minor engaged in sexually explicit conduct and was of such conduct, and which had traveled in interstate and foreign commerce, all in violation of 18 U.S.C. § 2252(a)(2). The defendant received 600 or more images of material depicting minors engaged in sexually explicit conduct, and these images and videos included depictions of the sexual exploitation of prepubescent minors and of at least one toddler. The defendant also knowingly distributed images and videos depicting minors engaged in sexually explicit conduct to other individuals.

I have reviewed the "Factual Basis" information above with my attorney and agree that it is accurate.

Dated: 11/25/24


ROMAN RODRIGUEZ
Defendant